

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MANUEL A CABRERA DIAZ
DEBTOR(S)

**BAYVIEW LOAN SERVICING AS SERVICER FOR
ORIENTAL BANK & TRUST**

MOVANT

VS.

MANUEL A CABRERA DIAZ

JOSE RAMON CARRION MORALES
Chapter 13 Trustee

Responent(s)

CASE NO. **11-01702 (MCF)**

CHAPTER 13

Of acts against property under §362
(d)(1) "FOR CAUSE"

MOTION FOR RELIEF FROM STAY UNDER 11 § USC 362

TO THE HONORABLE COURT:

Comes now, Bayview Loan Servicing, LLC, as servicer for Oriental Bank & Trust ("***Oriental***"), represented by the undersigned attorney who respectfully prays and states as follows:

1. Jurisdiction is granted by 28 U.S.C. § 1334 and by 28 U.S.C § 157, ant this is an action pursuant to 11 U.S.C. § 362(d)(1).
2. On February 28, 2011, Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code.
3. Oriental filed secured Claim number 9 for the amount of \$ 634321.26 enconcupering the mortgaged property number 65,021, 65,022, 68,157, 68,158, 68,159 registered in the

Registry of Property for Bayamón, Puerto Rico 1st section; and property number 2,754 registered in the Registry of Property for Fajardo, Puerto Rico.

4. Oriental is the holder in due course of the Mortgage Notes attached to this motion in Exhibit A and secured by the Mortgages also attached as **Exhibit A**.
5. As of July 7, 2011, the total balance due by Debtors to Oriental amounts to \$621,042.64. The Debtors have failed to comply with the payment of the Mortgage Notes. See Statement of Amount Due Under Penalty of Perjury, **Exhibit B**.
6. Debtors' failure to maintain the direct payments current with this secured creditor as provided in the plan constitutes cause for the lifting of the stay in favor of Oriental. Said default deprive movant to have its security interest protected as provided under the Bankruptcy Code.
7. Included as **Exhibit C**, is movant verified statement regarding the information required by the Service Member Civil Relief Act of 2003 and a Department of Defense Manpower Data Center Military Status Report.

WHEREFORE, movant prays for an Order granting the Relief from Stay as requested.

The Proposed Notice of Motion for Relief of Stay is included with this motion.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on this date copy of this motion has been electronically filed with the Clerk of the Court using the CM/ECF system which will sent notification of such filing to debtors' attorney and to **JOSE RAMON CARRION MORALES**, US Chapter 13 Trustee. In addition of copy of the Motion Requesting Relief From the Automatic Stay was sent by Movant to the debtor(s) address of record.

In San Juan, Puerto Rico, this 9th day of September, 2011.

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